

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Wade A. Thalberg,

Plaintiff,

ORDER ADOPTING REPORT
AND RECOMMENDATION

vs.

Jo Anne B. Barnhart, Commissioner
of Social Security,

Defendant.

Civ. No. 05-2950 (JMR/RLE)

* * * * *

Based upon the Report and Recommendation of the United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. That the Plaintiff's Motion [Docket No. 7] for Summary Judgment is denied.
2. That the Defendant's Motion [Docket No. 9] for Summary Judgment is denied.
3. That this matter is remanded to the Commissioner for further proceedings in accordance with this Report.
4. That, pursuant to the holding in Shalala v. Schaefer, 509 U.S. 292 (1993), Judgment is entered accordingly.

Dated: February 16, 2007

s/James M. Rosenbaum

James M. Rosenbaum, Chief Judge
United States District Court